

**At An Audit Meeting / Work Session**  
Of the Town Board of the Town of Newburgh held  
At 1496 Route 300 in said township at 7:00 P.M.  
On the 12<sup>th</sup> day of May, 2004

**Roll Call:** Derek N. Benedict, Deputy Supervisor  
George A. Woolsey, Councilman  
James E. Manley, Councilman  
Gilbert J. Piaquadio, Councilman

**Also Present:** Mark C. Taylor, Attorney for the Town of Newburgh  
James W. Osborne, Town Engineer  
Andrew J. Zarutskie, Town Clerk  
Charlene M. Black, Deputy Town Clerk

**Absent:** Wayne C. Booth, Supervisor

**1. Pledge of Allegiance to the Flag led by Deputy Supervisor Derek Benedict.**

**2. Additional Items For Discussion From Board Members**  
**None.**

**3. Approval of Audit**

MOTION was made by Councilman Manley to approve the Audit as presented in the amount of \$240,845.73, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey - aye; Mr. Benedict - aye; Mr. Manley - aye; Mr. Piaquadio – aye; Mr. Booth - absent. Motion passed 4 ayes - 1 absent.

**4. (Scheduled for 7:00 P.M.): Public Hearing on Stormwater Management MS4 & Annual Update (Compliance) Report**

Deputy Supervisor Benedict asked Mr. Zarutskie, Town Clerk, if all the legal requirements have been met. Mr. Zarutskie said they were. This meeting has been posted in the lobby of Town Hall since May 3, 2004, it appeared in the Sentinel May 4, and May 7, 2004 and in the Mid Hudson Times on May 5, 2004.

MOTION was made by Councilman Manley to open the Public Hearing at 7:06 p.m., seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

Pat Hines. from McGoey Hauser and Edsall, is here to tonight to explain this item. McGoey is the firm that prepared the initial permit application to the DEC and also prepared the annual update report. Last March the Town received a SPEDES permit for its Stormwater Management Plan. In that permit the Town has identified them in their management plan and now the annual report has to be filed. This is a five year permit term and the end of those five years you must meet all those measurable goals you had in your management plan. This plan was worked out by members of the Town Board and his office. The six required parts are: Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post Construction Stormwater Management, and Pollution Prevention / Good Housekeeping for Municipal Operations. The Town of Newburgh was ahead of the game because you already have a Stormwater Management in effect. This ordinance will be updated within the five years. Pat Hines has provided the annual report which identifies how the Town met its initial measurable goals and the report states how the Town will follow up in the second year and how the Town has met each of the minimal requirements. There is a requirement for Public access to these records and this was met, because they have been on file in the Town Clerk's Office and this is the required Public Hearing.

Ron Hughes / Pampas Lane

Does this program have any connection to the emergency preparedness for the dam?

Pat explained that this program is strictly a water quality program.

Ron wanted to know if this encompasses the I & I program. Pat explained that is a sewage issue. There is a section in the Town's ordinance, where there is specific language prohibiting illegal connections to the storm water system. The DEC has those regulations now and they are requiring local municipalities to adopt those regulations. This is a SPEDES permit but only for storm water. The I & I would be covered under the Town's sewer SPEDES permit. Jim Osborne, Town Engineer, explained this is called the Municipal Separate Stormwater System. The Town has a separate sanitary system and a separate storm system.

Pat Hines said the next step is to close the Public Hearing and the information given tonight will be compiled and will be submitted in the annual report along with public comments by the June 1, 2004 deadline and have the Supervisor sign the Final copy.

MOTION was made by Councilman Woolsey to close the Public Hearing at 7:12 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

#### **5. Water Supply: Re-bid Laboratory Services**

This is a request from Jim Corbett, Water Supply Superintendent, to re-bid Laboratory Services. With this re-bid, it should save the Town approximately \$2,000.00. Jim Corbett explained that the language used for the previous bid was misinterpreted and the bids we received weren't what we were looking for. When we went out to bid, there are groups of tests that need to be done and what we want to avoid is a vendor bidding on the individual tests in that group. We need the group tested as one. It wouldn't make sense for four vendors taking four samples and then dispense them to different labs. The time and date will be decided by the Town Clerk and Jim Corbett.

MOTION was made by Councilman Manley to approve the request to re-bid laboratory services, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey - aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

#### **6. Assessor: Request to Hire Part Time Data Collector**

This is a request from Michael Fogarty, Sole Assessor, to hire a part time data collector. The person is Paul D. Tiffany with a start date of 5/20/04 and at a rate of \$10.00 per hour. Michael explained this position is in his budget and this person would work a couple of days a week. This is in addition to the personnel he has now.

MOTION was made by Councilman Piaquadio to hire Paul D. Tiffany at a rate of \$10.00 an hour and employment to commence on May 20, 2004, after the completion of a pre-employment physical, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

#### **7. Sewer:**

##### **a. Waste Water Treatment Update: Map, Plan & Report**

Jim Osborne, Town Engineer, explained this will be discussion only. This is in reference to the proposal Frank Valdina has given us to update the cost estimate on the facilities to be constructed for the sewer plant expansion. The original proposal back in 1988 included the construction of a primary clarifier, secondary clarifier, aeration tank and miscellaneous equipment. The City went ahead with the construction of the secondary clarifier and the aeration tanks may not be necessary based on the performance to date. We need a new cost estimate for the construction and that will feed into a new bond authorization for this project. Mark Taylor, Attorney for the Town, explained that the project was approved in 1988 as a Town law section 202b proceeding with the improvement of the facilities of the sewer district. At that time there was a maximum cost estimate of \$5,050,000.00 and the Town adopted a Bond Resolution and expended some of that money. That \$5,050,000.00 included the payment to the City for the right to expand which was a \$1,250,000.00 payment. It also expended some of the proceeds for design costs and

the issuance of the Bond. Under that \$5,050,000.00 cap there is a certain amount authorized and we need Mr. Valdina do a new cost estimate. This is due to the passage of time, change of the scope, and the likely increase in the cost of materials and labor. If the cost estimate is insufficient, then we have to go through a mandatory Public Hearing to increase the authorization for that expense. Councilman Woolsey would like to know if Mr. Valdina will be available to explain what we will be doing. None of us were here in 1988. Jim Osborne, Town Engineer, said there is a set of drawings that depict the construction that is required for the plant expansion. There is a set of contract specifications both of those documents have been approved by the DEC. There is a fixed scope of work associated with this project. Frank needs to take in account, one reason we need to do this is there is apparently a ten year life on Bond Authorizations that the 1988 – 1989 Bond Authorization has expired. We have no authority to borrow the money that is necessary for the construction. This map, plan and report will either show the original cost estimate is valid with the change of the scope or it will define a new cost estimate, which would be the subject of a new bonding authorization. The scope of construction that is required for the expansion is well defined and approved. Jim explained that Frank will have to list the facilities and the cost associated with those facilities and then summarize it for the Town Board and for the Public Hearing. Councilman Piaquadio asked about \$75,000.00 for Engineering costs and Mark said there were two components to the Engineering contract. One was for design not to exceed \$300,000.00 and the second was for other engineering services including construction management and that was \$375,000.00. One thing the contract probably doesn't cover is defective work. Councilman Woolsey asked if we can put into the contract that if the construction is not being done correctly and the Engineer has to go back, couldn't we get the contractor to pay for the Engineer? Jim believes that language is in there. Mark Taylor, Attorney for the Town, wanted to clarify that Mr. Valdina is only revisiting the approval process that predates his contract. Mr. Valdina submitted a separate proposal for this particular task which will be available for Monday night. Jim Osborne explained that Mr. Valdina's cost was about \$7500.00. Councilman Piaquadio asked if when this project is bonded, will it be the Sewer District on a separate bond. Mark Taylor said the project is authorized and approved as a project of the Crossroads Sewer District. It is Mark's understanding that the project cost to date including the \$1,250,000.00 has in fact been funded by all sewer districts that contribute to sewage to the Crossroads system. If you are consistent in that practice, then the cost of expansion would also involve contribution by each of the sewer districts that feed to the Crossroad District. Councilman Piaquadio would like this number broken down so the taxpayer knows what they are going to get hit with. Councilman Manley would like to see realistic numbers when Mr. Valdina does the cost estimate. Mark Taylor, Attorney for the Town, said for purposes of authorization, it better to go higher, then you'd have to go through the process again. That would then be a cost in itself. Jim Osborne, Town Engineer, explained that once we look at the cost we can see where the funds are available, like outside user fees. These funds might offset the construction costs so we don't have to Bond the full amount. There are market conditions that are hard to predict for instance the cost of steel is very volatile, it is hard to get a price quote for more than thirty days.

**b. Sewer Waiver at 633 Gidney Avenue**

Withdraw at this time.

**8. Engineer: Dead End Road Extension; Subdivision of Lawrence Lands, Frozen Ridge Road and Colandrea Road**

Joseph Dopico is from Maser Consulting who is here representing the owner. He has drawn up a concept plan for the extension of Colandrea Road. The project is off Frozen Ridge Road, off Colandrea Road, the dead end is approximately 1100 feet or so. They have an area of about 80 acres that they are subdividing into 26 parcels and the 27<sup>th</sup> lot will be left as farm land. The first seventy acres are going to be developed and the other ten acres will be farm land. The lots will be a minimum of two and a half acres each. What they are looking for tonight is the feedback about a road extension. They had met with Jim Osborne, Town Engineer, and basically they are

proposing from the curved dead end which is approximately 1100 feet from Frozen Ridge Road, then about 1000 feet and a loop road that will service the lots. In addition to that they are looking into possibly an access onto Merritt Lane. Jim Osborne explained that one reason they are in front of the Board is because of the cul-de-sac waiver and they want to get as much feed back from the Board as they can before they finalize their plans before going to the Planning Board. They are looking into connecting to Merritt Lane but are short. They have had discussions with the property owner and it seems there is some kind of right of access from their property to Merritt Lane. They are trying to determine if that truly exists. We have the perfect conditions for a crossroads here. At this time, Maser Consulting needs to find out the access rights before the Board can go further. Mark Taylor, Attorney for the Town, explained that if there is a question of title, then the Town Board feels that thru road would be sufficient benefit to the Town. The Town could use their eminent domain powers in order to secure that section from that property owner. Jim Osborne also needs to bring up for the Board's consideration is the existing condition of Colandrea Road and the possibility of expanding Colandrea Road. Councilman Manley suggested sending this idea to the Planning Board for their input. Jim Osborne, Town Engineer, told Maser Consulting to come back with a report on what they find about the access rights.

**9. Legal: Labor Relations Services**

This is a proposal from Elayne G. Gold from Roemer Wallens and Mineaux LLP, to retain her firm for all labor relations pertaining to the Town of Newburgh's labor relations. (See attached draft proposal for specifics.) This proposal is for a three year term, with the first year June 1, 2004 until December 31, 2004 for \$2,500.00 per month. The second year January 1, 2005 until December 31, 2005 for \$2,550.00 per month and then the third year June 1, 2006 until December 31, 2006 for \$2,600.00 per month. There is a thirty day termination period. The Board would like to talk to Jackie Calarco, Town Accountant, about the finances for the past three years on our labor relations firm we had.

**10. Data Processing: General Code**

Hold for Monday night.

Councilman Manley suggested a letter to Department Heads on fees they feel should be included in our fee schedule such as Code Book updates.

**11. Personnel: Criminal History Report**

This is a request from Councilman Piaquadio to create a law for the Town of Newburgh for all new hires to have a Criminal History report prior to hiring. Right now the Town of Newburgh has employees sign a waiver allowing the Town to look into their criminal history. This service would be done by accessing the Department of Criminal Justice Service (DCJS) data banks. The DCJS will only do this service if the Town has a law requiring this to be done for employment services and it has to be filed with the Attorney General's office. DCJS would then supply the Town with fingerprint cards with the Town of Newburgh printed on it and for \$75.00, will return all criminal history within the data banks of New York State. This data is within New York State only. We would still need to go to a private service such as Rapsheets.com to check the additional thirty states at a cost of \$20.00. Mark Taylor, Attorney for the Town, explained that the Town does have the authority to enact a Local Law enforces this procedure. The attorney will review this procedure before the Town schedules a Public Hearing.

**12. Animal Control**

**a. T-93 Expenditure**

This is a request from Mary Meyer, Animal Control Supervisor, to utilize the T-93 account to pay for veterinarian expenses for cats that were treated. The amount of these veterinarians bill is \$70.00, which will leave \$3,815.18 in that account. MOTION was made by Councilman Piaquadio to utilize the T-93 account in the amount of \$70.00, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

**b. T-94 Expenditure**

This is a request from Mary Meyer, Animal Control Supervisor, to utilize the T-94 account in the amount of \$211.00. This request is to pay for veterinarian bills for a beagle at the shelter who had heartworm. Authorization was given by the Supervisor and treatment began on April 28, 2004. After this expense there will be \$28,723.47 left in the T-94 account.

MOTION was made by Councilman Piaquadio to utilize the T-94 in the amount of \$211.00, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

**Adjournment**

MOTION was made by Councilman Woolsey to adjourn the Audit Meeting / Work Session of May 12, 2004 at 8:25 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 ayes – 1 absent.

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Andrew J. Zarutskie, Town Clerk

by

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Charlene M. Black, Deputy Town Clerk